

TENNESSEE GENERAL ASSEMBLY  
FISCAL REVIEW COMMITTEE



**FISCAL NOTE**

**HB 2578 - SB 2755**

February 21, 2022

**SUMMARY OF BILL:** Expands the list of requirements for an inmate to be released on parole upon reaching the inmate's release eligibility date or subsequent parole hearing.

**FISCAL IMPACT:**

**Increase State Expenditures – \$4,485,400 Incarceration**

Assumptions:

- Public Chapter 488 (2019) creates a presumption that an eligible inmate serving a sentence for a non-violent Class E or Class D felony offense must be released on parole upon the inmate reaching his or her release eligibility date (RED), unless good cause is shown as to why the inmate should not be released.
- Public Chapter 410 (2021) extended the presumption to:
  - Low-risk offenders which have completed or can complete recommended programing;
  - Inmates who have not received a Class A or Class B disciplinary offense within one year of the inmate's parole hearing; and
  - Inmates who have not been convicted of a violent sexual offense, a sexual offense, or sex offense.
- The proposed legislation expands such requirements to include an offender to have not been previously convicted for an offense other than the offense for which the inmate is seeking parole in order to be eligible for release to parole upon reaching the RED.
- Based on information provided by the Department of Correction (DOC), there are an average of two Class A felony inmates in each of the past three years that would have been eligible for release upon reaching RED under current law, that will no longer be eligible as a result of the proposed legislation due to prior felony convictions.
- Based on information provided by DOC, such inmates spend an average of 1,235 days incarcerated after RED.
- This analysis estimates that 50 percent, or 1 (2 x 50.0%), Class A felony offender would not have been released under current law due to good behavior or the seriousness of the offense, leaving 1 (2 – 1) eligible offender.
- Accounting for recidivism rates, the proposed legislation will result in 0.54 offenders serving an additional 1,235 days incarceration.
- Based on information provided DOC, there are an average of 48 Class B felony inmates in each of the past three years that would have been eligible for release upon reaching

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RED under current law, that will no longer be eligible as a result of the proposed legislation due to prior felony convictions.

- Based on information provided by DOC, such inmates spend an average of 1,024 days incarcerated after RED.
- This analysis estimates that 50 percent, or 24 (48 x 50.0%), Class B felony offenders would not have been released under current law due to good behavior or the seriousness of the offense, leaving 24 (48 – 24) eligible offenders.
- Accounting for recidivism rates, the proposed legislation will result in 13 offenders serving an additional 1,024 days incarceration.
- Based on information provided DOC, there are an average of 50 Class C felony inmates in each of the past three years that would have been eligible for release upon reaching RED under current law, that will no longer be eligible as a result of the proposed legislation due to prior felony convictions.
- Based on information provided by DOC, such inmates spend an average of 820 days incarcerated after RED.
- This analysis estimates that 25 percent, or 12.5 (50 x 25.0%), Class C felony offenders would not have been released under current law due to good behavior or the seriousness of the offense, leaving 37.5 (50 – 12.5) eligible offenders.
- Accounting for recidivism rates, the proposed legislation will result in 20.58 offenders serving an additional 820 days incarceration.
- Based on information provided DOC, there are an average of 55 Class D felony inmates in each of the past three years that would have been eligible for release upon reaching RED under current law, that will no longer be eligible as a result of the proposed legislation due to prior felony convictions.
- Based on information provided by DOC, such inmates spend an average of 776 days incarcerated after RED.
- This analysis estimates that 25 percent, or 13.75 (55 x 25.0%), Class D felony offenders would not have been released under current law due to good behavior or the seriousness of the offense, leaving 41.25 (55 – 13.75) eligible offenders.
- Accounting for recidivism rates, the proposed legislation will result in 22 offenders serving an additional 776 days incarceration.
- Based on information provided DOC, there are an average of 113 Class E felony inmates in each of the past three years that would have been eligible for release upon reaching RED under current law, that will no longer be eligible as a result of the proposed legislation due to prior felony convictions.
- Based on information provided by DOC, such inmates spend an average of 777 days incarcerated after RED.
- This analysis estimates that 25 percent, or 28 (113 x 25.0%), Class E felony offenders would not have been released under current law due to good behavior or the seriousness of the offense, leaving 85 eligible offenders.
- Accounting for recidivism rates, the proposed legislation will result in 46 offenders serving an additional 777 days incarceration.
- Based on population data from the U.S. Census Bureau, population growth in Tennessee averaged 0.74 percent per year for each of the past 10 years (from 2010 to 2020).

- The weighted average operational costs per day are estimated to be \$51.36 for inmates housed at state facilities and \$48.77 for inmates housed at local facilities.
- The increase in incarceration costs is estimated to be the following over the next ten-year period:

Increase in State Expenditures	
Amount	Fiscal Year
\$ 1,873,100	FY22-23
\$ 3,770,700	FY23-24
\$ 4,242,500	FY24-25
\$ 4,277,800	FY25-26
\$ 4,314,300	FY26-27
\$ 4,356,700	FY27-28
\$ 4,372,700	FY28-29
\$ 4,404,800	FY29-30
\$ 4,442,200	FY30-31
\$ 4,485,400	FY31-32

- Pursuant to Tenn. Code Ann. § 9-4-210, recurring costs increases are to be estimated on the highest of the next ten fiscal years; therefore, the recurring increase in incarceration costs will be \$4,485,400.
- The estimated fiscal impact of the proposed legislation does not consider the availability of beds in state and local facilities, but is based solely on the current operating costs of state facilities and the reimbursement rates for local facilities as is required by Tenn. Code Ann. § 9-4-210.
- All calculations used in completion of this fiscal note are available upon request.

## CERTIFICATION:

The information contained herein is true and correct to the best of my knowledge.



Krista Lee Carsner, Executive Director

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